IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5100 OF 1995

Jambukumar Maganlal
Doshi @ Dhakalkar .. Petitioner
Vs.
Maganlal Phulchand
Doshi (Dhakalkar) & Ors. .. Respondents.

Mr.Sanjeev Rairkar for the petitioner.
Mr.Jaydeep Deo i/b Mrs.Suhasini Mutalik for respondent nos.1 to 3.

CORAM : D.B.BHOSALE, J.

DATED : 18TH MARCH, 2005

P.C.:

. Heard Mr.Rairkar, learned counsel for the petitioner and Mr.Jaydeep Deo, learned counsel for respondent nos.1 to 3.

2. This petition impugns the order dated 20.9.1995 passed in Miscellaneou Civil Appeal No.49 of 1994 by which the appeal was dismissed and the order dated 20.10.1994 passed below Exhibit-96 and 98 in Special Civil Suit No.30 of 1990 was affirmed. The application Exhibit 96 was filed by the petitioner-plaintiff seeking to strike out the defence of the respondent-defendants. In so far as the order passed below Exhibit-98 is concerned, that

order has been separately challenged in Writ Petition No.6159 of 1995. This court while admitting the instant writ petition had directed the trial Court to dispose of Special Civil Suit No.30 of 1990 early. The learned counsel appearing for the parties are not in a position to state whether or not the suit has been disposed of as per the directions given by this Court vide order dated 7.2.1996. The learned counsel are not getting any response from the clients. This shows that the suit must have been disposed of and that may be the reason why the parties have lost interest in the instant writ petition. In view of this writ petition is dismissed for non prosecution.

(D.B.Bhosale, J.)